

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 12.5.709 pertaining to the Pilot) AMENDMENT
Program for Aquatic Invasive Species)
in the Flathead Basin) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On July 5, 2019, the Department of Fish, Wildlife and Parks (department) proposes to amend the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than June 7, 2019, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

12.5.709 PILOT PROGRAM FOR FLATHEAD BASIN (1) through (3) remain the same.

(4) This rule expires March 31, 2020 ~~June 30, 2019, pursuant to 80-7-1027, MCA.~~

AUTH: 80-7-1007, 80-7-1010, ~~80-7-1027~~, MCA

IMP: 80-7-1008, 80-7-1010, 80-7-1011, ~~80-7-1027~~, MCA

REASON: Section 80-7-1027, MCA, created a temporary pilot program for addressing aquatic invasive species (AIS) issues in the Flathead Basin. The department originally adopted this rule in addition to the statute to add an additional layer of protection in the Flathead Basin to help prevent the transport and introduction of AIS. Both the rule and the statute expire on June 30, 2019. The department is proposing to extend the rule to March 31, 2020, to allow the additional protections to remain in place through the 2019 boating season, and to give the department time to work with citizens and the Confederated Salish and Kootenai Tribes (CSKT) on a longer-term plan for the management of AIS in the Flathead Basin before the 2020 boating season.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Tom Woolf, Department of Fish,

Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail Thomas.Woolf@mt.gov, and must be received no later than June 21, 2019.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Tom Woolf at the above address no later than 5:00 p.m., June 21, 2019.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 persons based on the number of water-based recreationists that utilize the Flathead Basin

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Mike Volesky
Mike Volesky
Acting Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State May 14, 2019.